

UNUS #Y2-0245-UNI
Case No. F7534(V)

Reconsideration of the application, as amended, is respectfully requested.

Regarding the rejection of claims 9, 10, 13 and 14 based on formalities, the "optional" subject matter has been deleted without prejudice and presented in new claims 15 and 16.

Concerning the Examiner's objection to the presence of trademarks in claim 13, Claim 13 has been amended without prejudice to delete the trademarks and insert the features mentioned on page 24.

With respect to the rejection based on the assertion that the inventor was not in possession of the invention, applicants would like to point out that the intermediate phase is mentioned at the bottom of page 6. Also, since this aspect of the invention was recited in the original claims, it is submitted that the inventors were in possession of this aspect of the invention.

The obviousness type double patenting rejection cites the present application. If the Office was intending to refer to SN 09/850,805, applicants are willing to file a terminal disclaimer upon indication of allowable subject matter.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**"

UNUS #Y2-0245-UNI
Case No. F7534(V)

In view of the foregoing, it is respectfully requested that the application, as amended,
be allowed.

Respectfully submitted,



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UNUS #Y2-0245-UNI
Case No. F7534(V)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Cancel without prejudice claim 13.

Please amend claims 9,10 and 14, as follows:

9. (Twice amended) Pourable frying composition according to claim 1 which comprises after melting an aqueous phase[,] and a fat phase [and optionally an intermediate phase], wherein the aqueous phase and [the] any intermediate phase together comprise 60 to 100 wt% of the total amount of the ester of citric acid present in the frying composition.

10. (Amended) Pourable frying composition according to claim 1, which comprises after melting an aqueous phase [,] and a fat phase [and optionally an intermediate phase], wherein the aqueous phase and [the] any intermediate phase together comprise from 0.07 to 3 wt% of said ester of citric acid on total product weight.

14. (New) Process for the preparation of a pourable, edible frying composition which comprises the steps of

- (a) [preparation of] preparing an aqueous phase,
- (b) [preparation of] preparing an oil phase, [wherein] by adding an ester of citric acid with a monoglyceride or with a combination of monoglyceride and a diglyceride [is added] to the aqueous phase [and/or] or the oil phase in step (a) [and/or] or (b), and
- (c) mixing [of] the aqueous phase and the oil phase to obtain an emulsion.

Please add new claims 15-19, as follows:

UNUS #Y2-0245-UNI
Case No. F7534(V)

15. (New) The pourable frying composition according to claim 9 further comprising an intermediate phase.

16. (New) The pourable frying composition according to claim 10 further comprising an intermediate phase.

17. (New) Pourable frying composition according to claim 1 wherein the citric acid ester is selected from the group consisting of citric acid ester esterified with monoglyceride derived from sunflower oil, citric acid ester esterified with monoglyceride derived from palm oil, citric acid ester esterified with a monoglyceride with a fully hydrogenated fatty acid chain, citric acid ester in acidic form, citric acid ester which is fat dispersible, citric acid ester in neutralized form, and citric acid ester which is water dispersible.

18. The process according to claim 14 wherein the ester is added to the aqueous phase and the oil phase.

19. The process according to claim 14 wherein the ester of citric acid is added in step (a) and step (b).